IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13949 of 2005

Between:

B. Ramakrishna, S/o. Late B. Hanumantha Rao,
Resident of D.No. 27/259, Police Colony, Nellore -0 4,
Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore District, Nellore.
2 The Mandal Revenue Officer, Kovur Mandal, Nellore District
3 The Assistant Divisional Engineer, AP TRANSCO, Kovur, Nellore District.
4 Gorripati Sudhakar Reddy, S/o. Perareddy,
Resident of Gangavaram Village, Kovur Mandal, Nellore District.
5 Suram Venu, S/o. Kondareddy,
Resident of Gangavaram Village, Kovur Mandal, Nellore District.
6 Gorripati Perareddy, S/o. Kotareddy,
Resident of Gangavaram Village, Kovur Mandal, Nellore District.
7 Suram Venkateswarlu, S/o. Ramaiah,
Resident of Gangavaram Village, Kovur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the in action of the respondents no. 1 and 2 in taking action on the bore well of the respondents no. 4 to 7 which was a dug with out prior permission and without registration according to section 8,9 and 10 of the AP WATER, LAND & TREES ACT, 2002, is illegal, arbitrary against the provisions of the Act and

consequently direct the respondents no. 1 to 3 to take action against the respondents no. 4 to 7 according to the section 8,9 and 10 of the AP WATER, LAND & TREES ACT, 2002.

Counsel for the Petitioner: MR.V.NARAYANA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos. 4 to 7: --

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the action of the respondents 1 and 2 in not taking action against the respondents 4 to 7, who dug a bore well without prior permission and without registration according to Sections 8, 9 and 10 of the Andhra Pradesh Water, Land & Trees Act, 2002 (hereinafter referred to as 'the Act'), as illegal and arbitrary.

It is stated that the petitioner, his brother and sister-in-law are having Ac.20-00 of wet land in Survey Nos.25-3B, 47-2, 48-3, 43-3, 44-2, 45-3, 47-1 and 47-3 of Gangavaram Village, Kovur Mandal, Nellore District, and eking their livelihood by cultivating the same with the aid of underground bore well sunk by them about fourteen years ago i.e., even prior to the commencement of the Act. While so, the respondents 4 and 7, in violation of the provisions of the Act, to the East of their bore well, dug a bore well at a distance of 80 feet in the government channel poramboke land, without obtaining prior permission from the competent authority and without keeping the required distance as per the statute. It is further stated that the petitioner submitted a representation, dated 02-06-2005, bringing the above facts to the notice of the second respondent, who endorsed a copy of the same to the Revenue Inspector, Kovur, who, in turn, inspected the bore well dug by the respondents 4 to 7 and kept quiet. Thereafter, the petitioner submitted another representation, dated 06-

06-2005, to the first respondent, who endorsed the same to the Joint Collector, Nellor, who did not take any action against the respondents 4 to 7.

The grievance of the petitioner is that though he submitted representations to the official respondents, they have failed to take any action. Hence, the writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 3, and perused the material on record and in view of the facts and circumstances of the case, especially in view of the fact that the petitioner already submitted representations to the official respondents, I deem it appropriate to dispose of the writ petition.

The writ petition is accordingly disposed of directing the respondents 1 to 3 to consider the representation, dated 06-06-2005, submitted by the petitioner and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(ELIPE DHARMA RAO, J)

Date:29-06-2005

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To

1 The District Collector, Nellore District, Nellore.
2 The Mandal Revenue Officer, Kovur Mandal, Nellore District
3 The Assistant Divisional Engineer, AP TRANSCO, Kovur, Nellore District.
4 One CC to Mr. Narayana Reddy.

5 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6 Two CD copies.